The Role of Leadership Development in Legal Education

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I. Introduction

"Leadership" is something to which many people aspire,[1] but mere aspiration is insufficient to create effective leaders.[2] President John F. Kennedy, in an undelivered speech scheduled for the day of his assassination, intended to remind his audience that "leadership and learning are indispensable to each other."[3] While President Kennedy was never able to give that speech, the lesson remain true: leadership and learning are inherently intertwined. Educational institutions at all levels play a prominent role in leadership development for their students.[4] However, law schools remain woefully underprepared to train law students as leaders.[5]

In order to train effective lawyers, law schools should include a formal leadership development program in the required law school curriculum. While law schools do a great deal to prepare students to "think like a lawyer"[6] more can be done to prepare students for the actual

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[1] Henrick Bresman, *Millennials Want to Lead. Are they Ready?*, INSEAD (Nov. 13, 2014) https://knowledge.insead.edu/leadership-management/millennials-want-to-lead-are-they-ready-3692

[2] Charles E. Notar, Carol S. Cline, & Charlotte King Eady, *What Makes and Effective Leader*, 1 INT. ED. STUD. 25 (2008).

[3] John F. Kennedy, Remarks Prepared for Delivery at the Trade Mart in Dallas, TX (Nov. 22, 1963) (transcript available at https://www.jfklibrary.org/archives/other-resources/john-f-kennedy-speeches/dallas-tx-trade-mart-undelivered-19631122).

[4] *See generally,* Esther Haynes-Tross, *The Importance of Developing Leadership Skills in Grades 6-8 Middles School Students from the Perspective of Administrators, Teachers, and Students* (May, 2015) (unpublished Ed.D dissertation, St. John Fisher College) (on file with author); Benjamin Rigney, *Leadership Development Practices of Intercollegiate Athletic Coaches at Christian Universities* (June 20, 2017) (unpublished Ph.D dissertation, Carolina University) (on file at George M. Manuel Library, Carolina University).

[5] *See* Deborah Rhode, *What Lawyers Lack: Leadership*, 9 St. Thomas L. Rev. 471, 473 (2011) (noting that "While a growing number of consulting organizations and a few universities have begun to sponsor leadership programs for practitioners, it is striking how little comparable effort is occurring in law school curricula.") [hereinafter *Rhode, What Lawyers Lack*].

[6] FREDERICK SCHAUER, THINKING LIKE A LAWYER: A NEW INTRODUCTION TO LEGAL REASONING 1 (2009).

rigors of legal practice.[7] In particular, there is a deficit of training that exists for lawyers in the

area of leadership.[8] Offering formal and informal leadership development opportunities in law

schools is a way to remedy the lack of leadership training.[9] Unfortunately, "[a]lthough most [law

schools] claim credit for producing leaders, few actually offer any courses expressly designed to

prepare graduates for the role."[10] The immediate goal of this article is to persuade law school

administrators, on a local and national level, to incorporate leadership development into the

curriculum for law students. The long-term goal of this article is to see all law school graduates

trained as effective and competent leaders.

But what is leadership? The very concept of "leadership" remains ambiguous and

affected by amorphous cultural norms.[11] Much like Justice Potter Stewart defining

"pornography", there is a temptation to view "leadership" as something that is fundamentally

unknowable but "I know it when I see it."[12] However, the formal study of leadership has been

able to identify certain characteristics of leadership that provide a clear definition.[13]

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[7] *See generally* Mary Juetten, *The 'Think Like a Lawyer' Approach to Law School is Outdated*, ABA J. (June 14, 2018) https://www.abajournal.com/news/article/the_think_like_a_lawyer_approach_to_law_school_is_outdated.

[8] *See Rhode*, *What Lawyers Lack supra* note 5 at 472 (noting "The preparation and capacity for effective leadership also something too many lawyers lack.").

[9] *See also* Deborah L. Rhode, *Lawyers and Leadership*, 20 THE PRO. LAW. 1, 15 (2010) (concluding that legal educators "are, in effect, leaders of those who will become leaders. [Legal educators] owe it to our students, to our profession, and to our world to prepare them for that role.") [hereinafter *Rhode, Lawyers and Leadership*].

[10] *See Rhode, What Lawyers Lack supra* note 5 at 473.

[11] Jeffery Pfeffer, *The Ambiguity of Leadership*, 2 ACAD. OF MGMT. REV. 104, 105 (1977).

[12] Jacobellis v. Ohio, 378 U.S. 184, 197 (1964) (Stewart, J., concurrence); *see* PETER G. NORTHOUSE, LEADERSHIP: THEORY AND PRACTICE 33 (8th ed. 2019) (noting leadership "is much like the words *democracy, love,* and *peace*. Although each of us intuitive knows what we mean by such words, the words can have different meanings for different people.").

[13] *See* BERNARD M. BASS & RALPH M. STOGDILL, BASS & STOGDILL'S HANDBOOK OF LEADERSHIP: THEORY, RESEARCH, AND MANAGERIAL APPLICATION 20 (1990) (noting "One complex definition that has evolved, particularly to help understand a wide variety of research findings, delineates effective leadership as the interaction among members of a group that initiates and maintains improved expectations and the competence of the group to solve problems or attain goals.").

Therefore, before beginning any discussion on leadership or leadership development it is necessary to properly define terms used throughout this article.[14] In his seminal work on the topic of leadership theory, Peter Northouse defines "leadership" as "a process whereby an individual influences a group of individuals to achieve a common goal."[15] Northouse's definition of leadership provides a clear understanding of the concept of leadership as discussed in this article. A further discussion of the evolution of leadership theory will be discussed in Part III.A.

Like "leadership" the concept of "leadership development" requires a definition to be properly understood. "Leadership development" is any program or process that "promotes, encourages, and assists in one's leadership potential. This includes learning activities that are both formal and structured as well as those that are informal and unstructured."[16] This definition has been accepted as an appropriate understanding of leadership development in other research on this topic.[17] Part III.B further discusses leadership development.

With a shared understanding of "leadership" and "leadership development" it is possible to begin a discussion of leadership development in the context of legal education. Part II contains a brief examination of the purpose and practice of legal education. Part III explores leadership theory[18] and leadership development.[19] Finally, Part IV argues and offers a blueprint for the inclusion of leadership development as part of the required curriculum in law schools.

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[14] *See Northouse*, *supra* note 7 at 43 (highlighting how an accurate definition of leadership helps to clarify the concept of leadership).

[15] *Id.* at 43.

[16] Curt Brungardt, *The Making of Leaders: A Review of the Research in Leadership Development and Education*, 3 J. of Leadership Stud. 81, 83 (1996).

[17] *See, e.g.,* Doris B. Collins, *Organizational Performance: The Future Focus of Leadership Development Programs*, 7 J. OF LEADERSHIP STUD. 43, 44; Spencer Holt, *Creating Effective Leadership Development Programs: A Descriptive Quantitative Case Study*, UNLV THESES, DISSERTATIONS, PROFESSIONAL PAPERS, AND CAPSTONES (May, 2011) https://digitalscholarship.unlv.edu/cgi/viewcontent.cgi?article=2013&context=thesesdissertations.

[18] *Infra* Part III.A.

[19] *Infra* Part III.B.

II. Legal Education: Purpose and Practice

A. General Purpose of Graduate and Professional Education

English historian Mark Kishlansky is quoted as saying "The purpose of graduate school is to get out of graduate school."[20] While this may come across as a pessimistic or even nihilistic view of advanced education, the general concept is true: people generally put in a significant amount of effort and endure the rigorous process of achieving an advanced degree to further their careers.[21] This is especially true in professional schools in which the degree may be the only legal pathway to entering the vocation.[22]

The divide among institutions that offer advanced degrees is between graduate schools and professional schools.[23] Professional degrees prepare students to enter a specialized field of work, whereas graduate schools traditionally focus more on research and the growth of knowledge in a field.[24] Creating competent individuals who are capable of handling the challenges of their chosen field is, at least partially, the responsibility of professional schools.[25]

B. General Purpose of Legal Education

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[20] Graduate Handbook: General Information, CATHOLIC UNIVERSITY OF AMERICA DEPARTMENT OF HISTORY, https://history.catholic.edu/academics/graduate/graduate-handbook/general.html (last visited Mar. 5, 2021).

[21] Professional Degree vs. Academic Degree: What's the Difference? NORTHEASTERN UNIVERSITY GRADUATE PROGRAMS (Jan. 28, 2019) https://www.northeastern.edu/graduate/blog/professional-degrees-vs-academic-graduate-degrees; *see generally* Mark Montgomery & Irene Powell, *Does an Advanced Degree Reduce the Gender Wage Gap? Evidence from MBAs,* 42 INDUSTRIAL RELS. 396, 396 (discussing how signaling theory shows that "independent of any effect on a worker's actual productivity, a degree sends a message to employers that the worker is more productive.").

[22] *Prospective Graduate Student Resources: Graduate School vs. Professional School*, UNIVERSITY OF WASHINGTON BOTHELL, https://guides.lib.uw.edu/bothell/gradschool/gradprof (last visited Mar. 3, 2021) (noting "Professional degrees are often required by law before an individual can begin a certain working in a particular occupation.").

[23] NORTHEASTERN UNIVERSITY GRADUATE PROGRAMS, *supra* note 22.

[24] *Id.*

[25] Roberty A. Roe, *What Makes a Competent Psychologist*, 7 EUR. PSYCH. 192, 201 (2002).

Law schools are considered a "professional school."[26] As such, at its basest level, law schools are responsible for developing students into competent lawyers.[27] More specifically, law schools have traditionally tried to develop students into both *effective* and *employable* lawyers.[28]

The employability of graduates remains at the forefront of the purpose of legal education. Students, for whom law schools exist, "attend law school with the objective of practicing law."[29] For the majority of students, employment at the end of law school is the primary desired outcome.[30] Hiring partners also view law school as *the* gateway to the legal profession and reject alternative methods such as reading the law or apprenticeships.[31] The employability of law students being an essential outcome of law schools is further evidenced by "employment outcomes" being a key data point to be disclosed on the American Bar Association's mandatory 509 reports.[32]

But 'employability' is not the only goal of legal education as schools also seek to train *effective* lawyers. Historically law schools have determined that training students to be "successful practitioners in their chosen profession" is a key purpose of a legal academic

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[26] NORTHEASTERN UNIVERSITY GRADUATE PROGRAMS, *supra* note 22.

[27] Terrance Sandalow, *The Moral Responsibility of Law* Schools, 34 J. LEGAL EDUC. 162, 173 (1984) (arguing that it is "the responsibility of law schools, as professional schools, to equip their students to meet the latter's professional obligations.").

[28] *See generally* Irene Scharf & Vanessa Merton, *Table of Law School Mission Statements* (2016), http://scholarship.law.umassd.edu/fac_pubs/175/.

[29] Scott F. Norberg, *J.D.s and Jobs: The Case for an ABA Accreditation Standard on Employment Outcomes*, 67 J. LEGAL ED. 1035, 1037 (2018).

[30] *Id.*

[31] *See* G.M. Filisko, *How Best to Build a Lawyer?* ABA JOURNAL (May 23. 2006, 7:30 AM) https://www.abajournal.com/magazine/article/how_best_to_build_a_lawyer (noting hiring partners reject the idea of eliminating law school and allowing pure apprenticeships or reading the law as a way to gain employment as a lawyer).

[32] Managing Director's Guidance Memo: Standard 509, AM. BAR ASS'N (Dec. 2019) https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/guidance-memo-509-december-2019.pdf.

institutions.[33] Law schools at present still seek to train students for the successful practice of law.[34] Similarly, both the judiciary and practicing lawyers want law school students to graduate with the skills necessary to realize success in the vocation.[35]

C. General Practices of Law Schools

In an attempt to train students to be effective lawyers, law schools have primarily remained tethered to the "case method" approach to education championed by Christopher Langdell in the nineteenth century.[36] Instruction on legal doctrine remains dominant in legal pedagogy.[37] This practice of simply learning legal doctrine and obtaining theoretical knowledge is the traditional route of law schools, but such a purely academic focus has proven to be insufficient for legal education.[38]

To their credit, the American Bar Association and law schools responded to the accusations that law schools were "graduating students who could *think* like a lawyer, but were unprepared to *be* a lawyer" by radically changing the law school curriculum to include more

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[33] Thomas Swan, Report of Thomas W. Swan, Dean, to the President and Fellows of Yale University, in REPORTS OF THE PRESIDENT, ACTING PROVOST AND SECRETARY OF YALE UNIVERSITY AND OF THE DEANS AND DIRECTORS OF ITS SEVERAL SCHOOLS AND DEPARTMENTS FOR THE ACADEMIC YEAR, 1919-20, 393 (1920).

[34] *See* WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND, & LEE S. SHULMAN, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW at 13 (2007) (noting "[l]egal education is complex, with its different emphases of legal analysis, training for practice,, and development of professional identity.").

[35] William R. Rakes, *Conclaves on Legal Education: Catalyst for Improvement of the Profession*, 72 NOTRE DAME L. REV. 1119, 1119 (stating "[b]oth the practicing bar and the judiciary are concerned with lawyer competence, an area where education is central…. The practicing bar is demanding that law schools provide more training to prepare graduates to hire hit **the** ground running when they enter practice").

[36] David Segal, *What They Don't Teach Law Students: Lawyering*, N.Y. TIMES (Nov. 19, 2011) https://www.nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be-lawyers.html (concluding that the "case method" approach "cultivates a student's capacity to reason and all but ignores the particulars of practice.").

[37] *See* A. Benjamin Spencer, *The Law School Critique in Historical Perspective*, 69 WASH. & LEE L. REV. 1949, 2061 (noting that legal education is "centered on legal doctrine and case law").

[38] *Id.* at 2061 (arguing that "[t]o be truly effective, however, professional legal education must give more attention to transmitting the skills and values that are essential compliments to doctrinal instruction. Mastering the cognitive, practical, and ethical dimensions of legal practice are what professional legal education must be about; focusing largely on the law in books cannot do the job").

experiential learning.[39] In 2014, the ABA approved changes to law school accreditation

standards, mandating that law schools require a student to satisfactorily complete at least six

credit hours of experiential courses before graduating.[40] In response to the ABA's revised

accreditation standards, law schools have conscientiously improved their training in the area of

practical skills for law students, which "potentially mark[s] a striking shift in the direction of

legal education."[41] Importantly to this discussion, the willingness of the ABA and law schools to

adjust to the needs of law school graduates is evidence that the law school curriculum is not so

sacrosanct as to be impervious to the needs of students and that past legal education programs are

not infallible.[42]

A current trend in legal education is to advance beyond the "hard skills"[43] required of a

lawyer and include training in "soft skills" as a key to the development of practice-ready law

school graduates.[44] "Soft skills" include, but are not limited to, "emotional intelligence—people

skills, collaboration, cultural awareness, empathy, and an ability to communicate effectively with

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[39] David I.C. Thomson, *Defining Experiential Legal Education*, 1 J. OF EXPERIENTIAL LEARNING, 1, 2 (2015).

[40] 2014-15 ABA Standards and Rules of Procedure for Approval of Law Schools at 16.

[41] Allison Korn & Laila L. Hlass, *Assessing the Experiential (R)evolution*, 65 VILL. L. REV. 713

[42] *See* Leo P. Martinez, *Looking Forward: Legal Education in the 21st Century,* THE ASS'N OF AM. LAW SCHS. https://www.aals.org/services/presidents-messages/looking-forward/ (stating "the crafting of legal education is, at best, an inexact science.").

[43] Susan Swaim Daicoff, *Lawyer, Form Thyself*, 27 REGENT U. L. REV. 205, 207 n. 10 ("Hard skills" are defined as "marshalling facts, reading, briefing, synthesizing cases and statutes, legal analysis, legal research and writing, oral advocacy, and written advocacy.").

[44] Susan Smith Blakely, *Law Firms Shouldn't Overlook Value of Soft Skills*, ABA JOURNAL (Mar. 7, 2019, 6:30am) https://www.abajournal.com/voice/article/law-firms-shouldnt-overlook-the-value-of-soft-skills (noting that "80 percent of success in business is determined by soft skills. So, it would seem that ignoring soft skills is risky business."); Elizabeth Moeller, *'Soft Skills' are What Make Good Lawyers Great*, NAT'L LAW J. (Sep. 28, 2015, 12:00am) https://www.law.com/nationallawjournal/almID/1202738190412/Soft-Skills-Are-What-Make-Good-Lawyers-Great--/.

clients."[45] Like the practical education revolution discussed above, employers in the legal field are also emphasizing the need for law school graduates to be well-versed in soft skills.[46]

The need for continued development of soft skills in law school graduates is particularly relevant because "leadership" is categorized as a "soft skill."[47] Research has shown that law schools need to teach "leadership skills" in order to provide law school graduates with the "skills they need to be better practitioners sooner rather than later."[48] Leadership development flows naturally from the already established practices of legal educators to provide practical skills that enable law students to be successful lawyers upon graduation.[49]

D. The Impact of Law Schools

Law schools are undoubtedly designed to train lawyers.[50] But law schools are more than mere incubators of future legal practitioners as the impact of law school graduates stretches far beyond the walls of a firm or a courthouse. For example, seven of the forty-six Presidents of the United States were law school graduates.[51] Nineteen other American Presidents were lawyers but

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[45] Mark A. Cohen, *Skills and Education for Legal Professionals in the 2020's*, FORBES (Jul. 1, 2020, 7:54am) https://www.forbes.com/sites/markcohen1/2020/07/01/skills-and-education-for-legal-professionals-in-the-2020s/.

[46] Meredith Heagney, *The Big Impact of Soft Skills*, U. CHI. L. SCH. (Oct. 21, 2013) https://www.law.uchicago.edu/news/big-impact-soft-skills (stating that the University of Chicago Law School's leadership "heard from employers that these so-called "soft skills"—interpersonal communication, practical skills, career management—were indispensable in new attorneys."); Blakely, *supra* note 44 (noting "Taking soft skills seriously will increase the value of young lawyers and their ability to manage others. It is a win-win for young lawyers, law firms and the law profession.").

[47] *See* Gloria A. Meeks, Critical Soft Skills to Achieve Success in the Workplace (Aug. 2017) (manuscript at 2) (using "leadership skills" as an example of a "soft skill" alongside "communication skills, problem-solving skills, and teamwork skills.") https://scholarworks.waldenu.edu/cgi/viewcontent.cgi?article=5180&context=dissertations.

[48] Michele L. Bendekovic & Sandra Magilozzi, *Leadership Skills Development is Lawyer Skills Development*, 21 NALP BULL. __ (2009).

[49] *See id.* at __. {last few paragraphs}

[50] *See* Paul Brest, *The Responsibility of Law Schools: Educating Lawyers as Counselors and Problem* Solvers, 58 LAW AND CONTEMP. PROBS. 5, 16 (1996) (concluding "today's law professors want to teach students how to teach themselves the most important components of a skilled and principled law practice.").

[51] Debra Cassens Weiss, *Biden Will be First President Since Taft to have a Law Degree Outside T-14*, AM. BAR ASS'N J. (Nov. 9, 2020, 11:46 AM) https://www.abajournal.com/news/article/biden-is-first-president-since-taft-to-have-a-law-degree-outside-of-t-14-his-law-prof-saw-presence.

did not graduate from a formal law school.[52] Law school graduates go on to become CEOs,[53]

commissioners of professional sports leagues,[54] legislators,[55] civic leaders,[56] church leaders,[57]

and human rights activists.[58] These diverse roles, filled with individuals who received their

training at law schools, illustrates that the benefit of a legal education stretches beyond just legal

work.[59]

The roles that are occupied by attorneys, both inside and outside of the legal system,

necessitate leadership.[60] There is also a longstanding societal expectation that lawyers will be

capable leaders due to their law school education.[61] Yet, despite the wide range of leadership

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[52] Dan Slater, *Barack Obama: The U.S.'s 44th President (and 25th Lawyer-President)*, WALL ST. J. (Nov. 5, 2008, 9:16 AM) https://www.wsj.com/articles/BL-LB-6783.

[53] Menachem Wecker, *Where the Fortune 500 CEO's Went to Law School,* U.S. NEWS & WORLD REP. (June 26, 2012, 7:00 AM) https://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2012/06/26/where-the-fortune-500-ceos-went-to-law-school.

[54] *See e.g.* Kerry Eggers, *Silver Lays Plans to Turn the NBA Gold*, PORTLAND TRIB. (Mar. 10, 2015) https://pamplinmedia.com/pt/12-sports/253081-120596-silver-lays-plans-to-turn-the-nba-gold (highlighting that NBA Commissioner Adam Silver received his "law degree at the University of Chicago Law School.").

[55] Thomas Lewis, *Insight: Law School Popular for Congress, with Harvard, Georgetown Topping List*, BLOOMBERG L. (Jan. 25, 2019, 4:01 AM) https://news.bloomberglaw.com/us-law-week/insight-law-school-popular-for-congress-with-harvard-georgetown-topping-list (noting that "54 percent of senators and 37 percent of House members" had a law degree in 2019).

[56] *See e.g.* Michelle Ruiz, *How Stacy Abrams is Turning the Tide in Georgia*, VOGUE (Nov. 5, 2020) (highlighting that civic leader Stacy Abrams is a "Yale Law School graduate") https://www.vogue.com/article/stacey-abrams-georgia-vote-turning-the-tide.

[57] *See e.g.* Glory Patterson, *New Church in The Villages Welcomes Pastor*, ORLANDO SENTINEL (Nov. 27, 1999) (noting "the Rev. Gary Bullock traded in his law books to take his place at the pulpit") https://www.orlandosentinel.com/news/os-xpm-1999-11-27-9911260499-story.html.

[58] Samantha Power, *The Enforcer: A Christian Lawyer's Global Crusade,* NEW YORKER (Jan. 11, 2009) (noting that Gary Haugen, the founder of the human rights organization "the International Justice Mission" graduated from "the University of Chicago Law School") https://www.newyorker.com/magazine/2009/01/19/the-enforcer.

[59] *See generally* Hillary Mantis, *What is a J.D. Advantage Career?*, NAT'L JURIST (Dec. 3, 2015, 12:50 PM) https://www.nationaljurist.com/national-jurist-magazine/what-jd-advantage-career.

[60] Donald J. Polden, *Leadership Matters: Lawyers' Leadership Skills and Competencies*, SANTA CLARA L. REV., 899, 900 (2012) (writing "Leadership involves skills and competencies that are essential for success in the practice of law and in other occupations and callings that lawyers fulfill. It is therefore surprising that leadership is not taught in most American law schools"); Deborah L. Rhode, *Leadership in Law*, 69 STAN. L. REV. 1603, 1605 (2017) (noting "Lawyers are also well represented at all levels of leadership as governors; state legislators; judges; prosecutors; general counsel; law firm managing partners; and heads of corporate, government, and nonprofit organizations. Even when they do not occupy top positions in their workplaces, lawyers lead teams, committees, task forces, and charitable initiatives.") (hereinafter *Rhode, Leadership in Law*).

[61] David J. Brewer, *A Better Education the Great Need of the Profession*, in REPORT OF THE 18TH ANNUAL MEETING OF THE AM. BAR ASS'N (1895) (noting "In society… [t]he lawyer is the leader").

roles that law school graduates fill, the ABA does not require law schools to teach students how to lead.[62] As a result, law schools as a whole have not prioritized teaching leadership and have failed to adequately address the leadership deficiencies in law school graduates.[63]

E. Concluding Remarks on Legal Education

The current trend of law schools providing practical skills in addition to theoretical knowledge is a positive one.[64] The current direction of legal education, including a more robust focus on practical skills for lawyers and a desire to produce practice-ready law school graduates, provides a philosophical foundation upon which leadership development training can be built. While there is presently no ABA mandate requiring law schools to include leadership development in mandatory curriculum, the recent changes made by the ABA show a willingness to include practical training when it is deemed necessary. Therefore, the remainder of this article will focus on explaining the concept of "leadership development" and will argue for its inclusion in the required law school curriculum.

III. Leadership Development: Theory and Practice

A. An Introduction to Leadership Theory

Leadership, as defined earlier, is "a process whereby an individual influences a group of individuals to achieve a common goal."[65] The effects of an individual influencing a group of

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[62] Susan R. Jones & Kate Neville, *The Current Environment Needs Leadership: Coaching Can Help Lawyers Lead*, AM. BAR ASS'N: BUS. L. TODAY (2020) (noting "Although lawyers often hold leadership positions in our society, they have not been taught to lead.") https://www.americanbar.org/groups/business_law/publications/blt/2020/10/leadership-coaching/.

[63] Polden, *supra* note 60 at 900.

[64] Sheldon Krantz & Michael Millerman, *Legal Education in Transition: Trends and their Implications*, 94 NEB. L. REV. 1, 4 (noting that the current changes in legal education are "positive developments").

[65] *Id.* at 3.

people to achieve a common goal have shaped virtually all of human history.[66] To put it another way, the story of human history is shaped by leaders.[67] Leadership is important because "[l]eadership moves the world."[68] Evidence of leadership is even seen in the animal world, albeit not nearly as nuanced as human leadership.[69]

1. The Emergence of the Study of Leadership

The impact of leadership as a concept has been present for virtually the duration of human history, and the study of leadership has similarly ancient origins.[70] The current study of leadership exists not just to look at what leaders do, but primarily to understand how people can become effective leaders today.[71] Scholars try to understand and replicate quality leaders because leadership is "a highly sought-after and highly valued commodity."[72] The study of leadership exists to determine effective practices of current and past leaders, identify principles of effective leadership from those examples, and teach others to implement those principles.[73]

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[66] *See* Francis Yammarino, *Leadership: Past, Present, and Future*, 20 J. OF LEADERSHIP & ORG. STUD., 149, 149 (2013) (noting "Leadership is one of the most widely researched and discussed topics in all areas of organizational sciences because literally nothing gets accomplished without it."); Andrew J, King, Dominic D.P. Johnson, & Mark Van Vugt, *The Origins and Evolution of Leadership,* 19 Current Biology R911, R911 (2009) (writing "leadership is arguably one of the most important themes in the social sciences, permeating all aspects of human social affairs.").

[67] *See* BERNARD M. BASS, BASS & STOGDILL'S HANDBOOK OF LEADERSHIP 3 (3rd ed. 1990) (noting "Myths and legends about great leaders were important in the development of civilized societies").

[68] *About the Jepson School of Leadership Studies*, UNIV. OF RICHMOND JEPSON SCH. OF LEADERSHIP, https://jepson.richmond.edu/about/index.html (last visited Apr. 29, 2021).

[69] *See generally* Andrew J. King, et al., *supra* note 66.

[70] Bass, *supra* note 67 at 3 (noting "Leadership is one of the world's oldest preoccupations…. The study of leadership rivals in age the emergence of civilization, which shaped its leaders as much as it was shaped by them. From its infancy, the study of history has been the study of leaders–what they did and why they did it.").

[71] *See e.g.* WARREN BENNIS, ON BECOMING A LEADER xxx (2nd ed. 2009) (stating that his book was about "how people become leaders, how they lead, and how organizations encourage or stifle potential leaders.")*;* Peter Economy, *This Study of 300,000 Leaders Revealed the Top 10 Traits for Success,* INC. (Mar. 30, 2018) https://www.inc.com/peter-economy/this-study-of-300000-businesspeople-revealed-top-10-leader-traits-for-success.html; Sonya Krakoff, *The Top 10 Qualities of a Great Leader,* CHAMPLAIN COLLEGE BLOG (https://online.champlain.edu/blog/top-qualities-of-a-great-leader (last visited Apr. 29, 2021); Kim Peters & Alex Haslam, Research: To Be a Good Leaders, Start by Being a Good Follower, HARV. BUS. REV. (Aug. 6, 2018) https://hbr.org/2018/08/research-to-be-a-good-leader-start-by-being-a-good-follower.

[72] Northouse*, supra* note 7 at 32.

[73] *See generally* JAMES M. KOUZES & BARRY Z. POSNER, THE LEADERSHIP CHALLENGE 337 (4th ed. 2007) (the authors note that they have used examples of other leaders to teach the reader about what it means to lead).

2. The Growth of the Study of Leadership

There has been an explosion of interest in the field of leadership studies in recent years

for a wide variety of individuals and institutions.[74] To meet the increased interest in leadership

there has been a vast library of content developed on the subject.[75] Unfortunately, the range of

products produced discussing leadership are as varied in quality as they are in quantity.[76]

In addition to the number of leadership development products sold, there is also a

substantial market for leadership development programing.[77] For example, in 2015 "companies

spent nearly $31 billion on leadership programs."[78] Employers evidence a strong desire for

"improving the capabilities of managers and nurturing new leaders" by the amount of money

they invest in leadership development programs.[79]

Similarly, there has been a substantial growth in academic programs that study leadership

and promote leadership development.[80] The study of leadership remains a relatively new field in

the world of formal higher education.[81] Many institutions of higher education now offer

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[74] AL MOHLER, THE CONVICTION TO LEAD 18 (2012) (noting "The hunger for leadership had reached every sector of our society, including business, government, education, cultural institutions, and… the church.").

[75] Michael Shinagel, *The Paradox of Leadership*, PRO. DEV. HARV. DIV. OF CONTINUING EDUC. BLOG (Jul. 3, 2013) (noting that "According to a recent survey, [in 2013] there are more than 15,000 books on leadership in print. Articles on leadership number in the thousands each year.").

[76] ROGER GILL, THEORY AND PRACTICE OF LEADERSHIP 3 (2d ed. 2011) ("The burgeoning leadership literature ranges from highly cerebral academic research studies and scholarly treatises that few if any actual leaders will read to idiosyncratic personal prescriptions by self-acclaimed paragons of virtuous leadership of how to be an outstanding leader at the 'popular' end of the spectrum. Some of the contributions to the leadership literature are both fictional and speculative.").

[77] *See* Nicky Wakefield & Karen Pastakia, *Leadership Awakened*, DELOITTE INSIGHTS (Feb. 29, 2016) (noting the number of companies with "experiential leadership programs grew from 9 percent last year to 20 percent [in 2015]") https://www2.deloitte.com/us/en/insights/focus/human-capital-trends/2016/identifying-future-business-leaders-leadership.html

[78] *Id.*

[79] Pierre Gurdjian, Thomas Halbeisen, & Kevin Lane, *Why Leadership-Development Programs Fail*, MCKINSEY Q. (Jan. 1, 2014) https://www.mckinsey.com/featured-insights/leadership/why-leadership-development-programs-fail.

[80] *Id.* (noting "[c]olleges and universities offer hundreds of degree courses on leadership").

[81] *See e.g., About the Jepson School of Leadership Studies*, *supra* note 68 (noting that the Jepson School of Leadership is "the first institution of its kind in the world with a full-time, multidisciplinary faculty dedicated to the pursuit of new insights into the complexities and challenges of leadership and teaching undergraduates what they

doctorates in the field of leadership studies.[82] Other institutions have undergraduate majors

dedicated to teaching leadership as an academic field of study.[83] The emergence of leadership as

a unique academic discipline underscores the societal need for leaders and the vital role of

academic institutions in filling that need.

B. The Evolution of Leadership Theory

The relatively recent emergence of leadership as an academic field does not mean that the

study of leadership itself is a new topic of study.[84] The concept of leadership has evolved

significantly as new theories have been studied and established.[85] The trend in leadership theory

has notably evolved from the "Great Man" theory of leadership to a more behavior-based

approach.[86] The evolution of leadership theory provides insight into both accurate and inaccurate

assumptions about leadership and leadership development, which is important in discussing

leadership development in the twenty-first century.

The "Great Man" leadership theory was championed by Thomas Carlyle in 1840 who

wrote, "The history of the world is but the biography of great men."[87] This theory of leadership

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know."); *History of the Jepson School of Leadership Studies,* UNIV. OF RICHMOND JEPSON SCH. OF LEADERSHIP (noting that the school was opened in 1992) https://jepson.richmond.edu/about/history/index.html (last visited Apr. 29, 2021).

[82] *See e.g. Leadership Doctor of Philosophy*, CAROLINA UNIV. JOHN WESLEY SCH. OF LEADERSHIP https://leadership.carolinau.edu/program/doctor-philosophy/leadership (last visited Apr. 29, 2021); *PhD Leadership Studies*, UNIV. OF SAN DIEGO SCH. OF LEADERSHIP AND EDUC. SCI. https://www.sandiego.edu/soles/leadership-studies/phd-leadership-studies/ (last visited Apr. 29, 2021).

[83] *See* Curt Brungardt, Justin Greenleaf, Christie Brungardt, & Jill Arensdorf, *Majoring in Leadership: A Review of Undergraduate Leadership Degree Programs*, 5 J. OF LEADERSHIP EDUC. 4 (2006) (identifying fifteen different institutions with a "leadership degree program" for undergraduate students).

[84] BASS, *supra* note 67 at 20 (noting "The study of leaders and leadership is coterminous with the rise of civilization.").

[85] Albert King, *Evolution of Leadership Theory*, 15 VIKALPA 43, 43 (1990) (writing that "leadership theory has evolved.").

[86] Rigney, *supra* note 4 at 15.

[87] THOMAS CARLYLE, ON HEROES, HERO-WORSHIP, AND THE HEROIC IN HISTORY 98 (Anodos Books 2019) (1841).

taught that the great leaders in history were born to be effective leaders.[88] The Great Man theory holds that leadership success is reserved for only those born with it and therefore leadership success not a developable skill.[89] The Great Man theory eventually evolved into a trait-based approach to leadership that tried to find links between specific innate traits that would make someone a great leader instead of just looking to specific individuals who were supposedly born to be leaders.[90] Both theories failed because "the findings provided minimal value to practising [sic] leaders since most traits cannot be learned."[91]

Leadership theory has more recently evolved into understanding leadership as a developable skill. Notably, Robert Katz suggested an approach to understanding effective leadership that "is based not on what good executives are (their innate traits and characteristics), but rather on what they do…. As used here, a skill implies an ability which can be developed, not necessarily inborn, and which is manifested in performance, not merely in potential."[92] This approach to leadership, in which leadership is a developable skill that is accessible to everyone, allows for leadership development programming to be accessible to the masses because it is not something reserved for a select few who are born with special abilities or achieve notable positions.[93] Within the understanding of leadership as a developable skill, a few prominent ideas

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[88] COREY HALAYCHIK, LESSONS IN LIBRARY LEADERSHIP: A PRIMER FOR LIBRARY MANAGERS AND UNIT LEADERS 2 (2016) (pointing out that the Great Man Theory "suggests that nature is to be credited with bestowing certain qualities on individuals and that these qualities make them 'natural leaders.'").

[89] See BASS, supra note 67 at 38 (noting that according to the Great Man theory of leadership "an adequate supply of superior leaders depends on a proportionately high birthrate among the abler classes.").

[90] King, supra note 85, at 46

[91] Id.

[92] Robert L. Katz, Skills of an Effective Administrator, HARV. BUS. REV. (Sep. 1974) https://hbr.org/1974/09/skills-of-an-effective-administrator.

[93] See Northouse, supra note 7, at 95 (noting that the trait approach is "not particularly useful for training and development for leadership because individuals' personal attributes are largely stable and fixed, and their traits are not amenable to change"); Kouzes & Posner, supra note 73, at 338 (summarizing why the authors used "everyday" leaders in their discussion of leadership development because "leadership is not about position or title. Leadership is not about organizational power or authority. It's not about celebrity or wealth. It's not about the family you are born

of effective leadership have emerged: servant leadership, authentic leadership, and

transformational leadership.

Servant leadership is a seemingly paradoxical idea that requires effective leaders to be

"servant first."[94] The servant-leader is not using the followers in the organization purely as

resources, but rather the servant-leader will "be attentive to the needs of followers, empower

them, and help them develop their full human capacities."[95] This understanding of leadership

focuses primarily on the relationship between the leader and the follower.[96] There are

shortcomings to servant leadership, specifically due to the lack of formalized empirical research

in this area, but servant leadership continues to provide an interesting and valuable insight into

effective leadership practices.[97]

In the context of law school and legal education, servant leadership is particularly

paradoxical. Law school is designed to be a competitive environment in which each student is

rewarded for besting their classmates in head-to-head competitions.[98] The competitive every-

person-for-themselves nature of law school–the benefits and shortfalls of which are not the focus

of this article–instinctively trains students to do the opposite of what servant leadership

requires.[99] The obvious disconnect between law school culture and servant-leadership

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into. It's not about being a CEO, president, general, or prime minister. And it's definitely not about being a hero. Leadership is about relationships, about credibility, and about what you do.").

[94] ROBERT GREENLEAF, SERVANT LEADERSHIP: A JOURNEY INTO THE NATURE OF LEGITIMATE POWER AND GREATNESS 27 (25th Anniversary ed. 2002).

[95] Northouse, *supra* note 7. at 383

[96] *Id.* (noting that effective servant leaders "build strong relationships with others, are empathic and ethical, and lead in ways that serve the greater good of followers, the organization, the community, and society at large.").

[97] *Id.*

[98] Susan Sturm & Lani Guinier, *The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity*, 60 VAND. L. REV. 515, 521 (noting "In law school, the process of defining success tends to be both collective and public… The most visible and easily accessible measures of success come form the results of these public competitions.").

[99] *See also* Larry Spears, *Ten Principles of Servant Leadership,* BUTLER UNIV. (pointing out that "Servant-leaders believe that people have an intrinsic value beyond their tangible contributions as workers. As such, servant-leaders

underscores the importance of intentionally developing these leadership skills among law school students.

A second prominent theory of leadership is the idea of "authentic leadership."[100] This approach to leadership "focuses on whether leadership is genuine and 'real.'"[101] Authentic leadership requires that the leader develop their "own leadership style, consistent with [their] personality and character."[102] Unfortunately, cultural norms easily push people into adopting a leadership style that is inauthentic, which will ultimately reduce the individual's capability of being an effective leader.[103]

Graduates of law schools will enter their various workplaces upon graduation and be shaped by cultures that have thus far proven incapable of producing effective leaders.[104] Putting law school graduates in a dysfunctional leadership culture and expecting them to *figure it out* leads to failure and frustration among law school graduates and perpetuates the aforementioned dysfunctional system. Unfortunately, law schools have not corrected the dysfunctional and *laissez-faire* leadership culture of the legal field but have largely contributed to it.[105] Law schools can correct this mistake by providing students with real opportunities to lead in the relative

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are deeply committed to a personal, professional, and spiritual growth of each and every individual within the organization.") https://www.butler.edu/volunteer/resources/ten-principles-servant-leadership (last visited Apr. 29, 2021).

[100] Northouse, *supra* note 7, at 308

[101] *Id.*

[102] Bill George, Authentic Leadership: Rediscovering the Secrets to Creating Lasting Value 12 (2003).

[103] *Id.* at 13 (noting "To become authentic, each of us has to develop our own leadership style, consistent with our personality and character. Unfortunately, the pressures of an organization push us to adhere to its normative style.").

[104] *See generally Rhode, What Lawyers Lack*, *supra* note 5, at 473 (Noting "other evidence of a leadership deficit [among lawyers] comes from management experts who have looked at organizations run by attorneys. It is not a pretty picture…. Rarely do the the leaders of legal organization have any management training, and many are not even selected for management ability.").

[105] *See generally* Susan Sturm, *Law Schools, Leadership, and Change*, 127 Harv. L. Rev. 49, 49-50 (stating "Law school's role of preparing leaders able to tackle pressing public problems is a matter of great public concern. Many of the nation's most important institutions are themselves dysfunctional and in need."); Bethany Rubin Henderson, *Asking the Lost Question: What is the Purpose of Law School?*, 53 J. of Legal Ed., 48, 49 (noting "what happens in law schools directly contributes to the much-discussed 'crisis' in the legal profession.").

safety of law school and intentionally developing law students as authentic leaders. By doing so, law schools will equip their students to succeed as authentic lawyers.[106]

A final approach to leadership is "transformational leadership," which is one of the current dominant views on the topic of leadership.[107] In understanding "transformational leadership," it is helpful to compare it with "transactional leadership."[108] Transactional leadership occurs when the leader appeals to the follower's self-interest to motivate behavior (for example, an employer who incentivizes an employee's labor with the promise of a paycheck or a teacher who incentivizes a student's intellectual labor with the possibility of a good grade).[109] Inversely, transformational leaders motivate followers through more inspirational and internal means.[110] Scholars in the field of leadership studies contend that transformational leadership is a key to motivating followers to internalize organizational goals and achieve extraordinary

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[106] *See* Herminia Ibarra, *The Authenticity Paradox*, HARV. BUS. REV. (Jan. 2015) (noting that growth as an authentic leader will only happen "by stretching the limits of who we are–doing new things that make us uncomfortable but that teach us *through direct experience* who we want to become.") https://hbr.org/2015/01/the-authenticity-paradox; Avolio and Gardner, Authentic Leadership Development: Getting to the Root of Positive Forms of Leadership, 16 LEADERSHIP Q. 315, 316 (2005) (suggesting "In these challenging and turbulent times, there is a growing recognition among scholars… and practitioners… alike that a more authentic leadership development strategy becomes relevant and urgently needed for desirable outcomes.").

[107] Northouse, *supra* note 7, at 263 (identifying transformational leadership as "One of the current and most popular approaches to leadership").

[108] *Id.*

[109] *See* DAVID I. BERTOCCI, LEADERSHIP IN ORGANIZATIONS, 49 (2009) (defining "transactional leadership as leadership that motivates followers by exchanging rewards for high performance and nothing and reprimanding subordinates for mistakes and substandard performance.").

[110] BERNARD M. BASS & RONALD E. RIGGIO, TRANSFORMATIONAL LEADERSHIP, 4 (2d. ed. 2006) (noting "Transformational leadership involves inspiring followers to commit to a shared vision and goals for an organization or unit, challenging them to be innovative problem solvers, and developing followers' leadership capacity via coaching, mentoring, and provision of both challenge and support.").

results.[111] For example, players on a sports team, with no transactional authority over their teammates, can effectively motivate teammates using transformational leadership behaviors.[112]

Transformational leadership is particularly developable in law school because, for the most part, student leaders do not have a *transactional* relationship with their peers. Students do not generally pay, grade, or punish their peers, which are some of the major motivators in a transactional system.[113] The limitations on what student leaders can control with their followers essentially requires student leaders demonstrate transformational leadership skills, thereby inspiring the followers to act, or the leader will struggle to be successful.[114] In other words, law school is an ideal training ground for students to learn transformational leadership skills because of the limitations inherent in leading groups of voluntary participants.[115]

These three approaches to leadership that have been discussed–servant leadership, authentic leadership, and transformational leadership–all have a few things in common. First, they are all current and promising approaches to leadership that are supported by modern

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[111] *See Id.* at 5 ("Transformational leaders… behave in ways to achieve superior results"); Kouzes & Posner, *supra* note 73, at 122 (noting "The kind of leadership that gets people to infuse their energy into strategies is called transformational leadership."); Northouse, *supra* note 7, at 280 (purporting "Transformational leaders set out to empower followers and nurture them in change. They attempt to raise the consciousness in individuals and to get them to transcend their own self-interests for the sake of others.").

[112] Melissa S. Price & Maureen R. Weiss, *Relationships Among Coach Leadership, Peer Leadership, and Adolescent Athletes Psychosocial and Team Outcomes: A Test of Transformational Leadership Theory*, 25 J. OF APPLIED SPORT PSYCHOLOGY 265, 277 (concluding a study on transformational leadership on adolescent female athletes by noting "teammates . . . have the potential to be powerful motivators and inspirational leaders who can influence athletes' psychological responses and team outcomes.").

[113] *See generally* Northouse, *supra* note 7, at 274 ("Transactional leaders exchange things of value with followers to advance their own and their followers 'agendas.").

[114] *See generally Id.* at 300 (noting "Transformational leaders are recognized as change agents who are good role models, who can create and articulate a clear vision for an organization, who empower followers to meet higher standards, who act in ways that make others want to trust them, and who give meaning to organizational life.")

[115] *See generally* Patrick C. Dwyer, Joyce E. Bono, Mark Snyder, Oded Nove, & Yair Berson, *Sources of Volunteer Motivation: Transformational Leadership and Personal Motives Influence Volunteer Outcomes,* 24 NONPROFIT MGMT. & LEADERSHIP 181, 185 (2013) (noting "In a volunteer setting with little tangible exchange between organizations and volunteers (no salary, bonuses, or health benefits), transformational leadership, with its focus on engaging employees in their work at a personal level, may be particularly relevant.").

research.[116] Second, they all are based around skills that a leader can develop and not around

inherent traits as posited by the "Great Man" approach to leadership that is now considered

outdated.[117] In practice, a skill-based approach to leadership means that "it's possible for

everyone to learn to lead."[118] Finally, all three modern approaches to leadership discussed in this

section could be developed in the law school environment through educational and experiential

leadership development programs.

B. Leadership Development Programs

       In order to understand why a leadership development program should be implemented in

a particular setting, one must first understand *what* a leadership development program *is*.

Leadership development is summarized as "planned and systematic efforts to improve the quality

of leadership."[119] Formal and informal activities, lectures, lessons, mentorship, or intentionally

designed experiential practices can be considered part of a leadership development program.[120]

Perhaps the most important aspect of a leadership development program is that it needs to be

intentional, that is, manifest clear learning outcomes and provide specific opportunities for

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[116] Northouse, *supra* note 7, at 300 ("Despite the weaknesses, transformational leadership appears to be a valuable and widely used approach."); *id.* at 340 ("authentic leadership is a new and exciting area of research, which holds a great deal of promise."); *id.* at 384 ("Despite the limitations, servant leadership continues to be an engaging approach to leadership that holds much promise.").

[117] *See id.* at 64 ("In the early 20th century, leadership traits were studied to determine what made certain people great leaders. The theories that were developed were called 'great man' theories because they focused on identifying the innate qualities and characteristics possessed by great social, political, and military leaders.").

[118] Kouzes & Posner, *supra* note 73, at 341.

[119] Francis Amagoh, *Leadership Development and Leadership Effectiveness*, 47 MANAGEMENT DECISION 989, 990 (2009).

[120] Rigney, *supra* note 4, at 20 (defining leadership development as "both formal and informal processes" which include "mentorship, experience, and education.").

practice.[121] A lack of intentionality and imprecise planning can render leadership development practices ineffective.[122]

1. Structure of Leadership Development Programs: Educational and Experiential Learning

Educational programs are an important part of leadership development.[123] An educational approach to leadership development focuses on providing participants with information on what it means to be a good leader and what practices are most effective for leadership.[124] Additionally, leadership educators not only teach students about leadership but also act as mentors which provides additional benefit for the students.[125] Because law schools are already in the business of presenting information to students, the process of formally sharing information about leadership with students should be entirely natural.

Experiential leadership development provides the other essential way to develop leaders.[126] Leadership development researchers have found that experiential learning is the most

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[121] Kathy L. Guthrie & Sara Thompson, *Creating Meaningful Environments for Leadership Education,* 9 J. OF LEADERSHIP ED. 50, 54 (2020) (concluding that in leadership education, "[s]tudent experiences are strengthened and learning is deepened when institutions intentionally create environments that integrate theory, practice, and reflection.").

[122] STEVE MURRELL, & WILLIAM MURRELL, THE MULTIPLICATION CHALLENGE: A STRATEGY TO SOLVE YOUR LEADERSHIP SHORTAGE 82 (2016) (contending "Leadership development doesn't happen organically; it happens strategically and intentionally.").

[123] John Flaig, Arzina Alam, Jimmy Huynh, Janet Reid-Hector, & Albert Heuer, *Examining How Formal Leadership Development Programs Positively Influence Hospital Leaders 'Individual Competencies and Organizational Outcomes*, 12 J. OF HEALTHCARE LEADERSHIP 69, 81 (2020) (noting "formal [leadership development programs] can provide a variety of beneficial outcomes for… leaders who participate in them.").

[124] *See* Christina N. Lacerenza, Denise L. Reyes, Shannon L. Marlow, Dana L. Joseph, & Eduardo Salas, *Leadership Training Design, Delivery, and Implementation: A Meta-Analysis,* 102 AM. PSYCH. ASS'N 1686, 1688 (2017) (defining leadership training programs as "designed to produce changes in the ability of trainees to engage in leadership roles and processes by presenting new information.").

[125] Jennifer M. Pizga, *Navigating Leadership Complexity Through Critical, Creative, and Practical Thinking*, 145 INNOVATIVE LEARNING FOR LEADERSHIP DEV. 35, 47 (2016) (noting "leadership educators… not only engage in the challenge and support necessary to foster students' learning and leadership development, they model the leadership practices they hope to engender.").

[126] Rigney, *supra* note 4, at 21 (noting "Providing leaders with the opportunity to practice leading is absolutely critical to the development of an individual's leadership skill.").

effective tool for teaching effective leadership strategies.[127] Allowing individuals–specifically law students–to gain experience leading others will aid in their capabilities as leaders. For example, a student could gain experience leading others in specific class projects, extracurricular activities, student organizations, or formal training events. Because experiential learning is already a part of higher education in general,[128] and the law school curriculum in particular,[129] there is a solid foundation upon which experiential leadership education could be built.

The purpose of educational and experiential leadership development is the same: producing individuals who are competent and capable of leading others effectively. Leadership training has been proven to provide a real benefit to the participants as they learn how to lead.[130] Likewise, organizations that offer leadership development to their members enjoy ancillary benefits of this provision, as well.[131] In other words, every person can learn how to lead and organizations benefit from developing leaders, but organizations must create programming to to teach individuals how to be an effective leader.

2. Growth of Leadership Development Programs

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[127] CRAIG RUNDE & TIM FLANAGAN, BECOMING A CONFLICT COMPETENT LEADER 215 (2d. ed. 2013) (noting "A basic premise of leadership development is that leaders learn from experience. In fact, many leaders report learning most from their experiences").

[128] Christopher Leupold, Erika Lopina, & Evan Skloot, *An Examination of Leadership Development and Other Experiential Activities on Student Resilience and Leadership Efficacy*, 19 J. OF LEADERSHIP ED. 53, 53 ("Experiential learning and related activities are critical components of the student collegiate experience today.").

[129] ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2014-2015 16 (Am. Bar Ass'n 2014).

[130] Lacerenza, et al., *supra* note 124, at 1704 (suggesting leadership trainers "Resist the temptation to think that leaders cannot be trained; evidence suggests leadership training programs are effective.")

[131] Catherine Lopez-Gonzalez, Leadership Performance: Leadership Development Programs and Influence on Changing Leadership Behavior 1 (Sept. 2012) (Ph.D. dissertation, Capella University) (ProQuest) (determining "The single most important component in achieving organizational success was the offering of a leadership development program.").

Leadership development is a growth industry, both in need and in the number of available programs.[132] Leadership development programs have been instituted in a variety of different fields for a variety of different types of people. Leadership development programs have been used in sports,[133] the military,[134] businesses,[135] and religious organizations.[136] Leadership development programs have been used to establish a pipeline for C-Suite executives[137] and to foster pro-social behavior in pre-kindergarten students.[138] The broad application of leadership development programs underscores society's need for leaders and the accessibility of leadership for people of all walks of life.

Most applicably to the present discussion, leadership development has been used and applied extensively in higher education organizations.[139] Universities have created specialty

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[132] Mihnea Moldoveanu & Das Narayandas, *The Future of Leadership Development*, HARV. BUS. REV. (Mar. 2019) (noting "The need for leadership development has never been more urgent…. The number of players offering courses to impart the hard and soft skills required by corporate managers has soared.") https://hbr.org/2019/03/the-future-of-leadership-development.

[133] *E.g.* The NCAA provides leadership development opportunities for student-athletes, see *Student-Athlete Leadership Forum,* NCAA https://www.ncaa.org/about/resources/leadership-development/student-athlete-leadership-forum (last visited Apr. 29, 2021).

[134] *E.g.* The United States Navy provides leadership development opportunities for its members, see *Leadership Training & Development*, DEP'T OF THE NAVY DIR., ACQUISITION TALENT MGMT. https://www.secnav.navy.mil/rda/workforce/Pages/leadership_development.aspx (last visited Apr. 29, 2021).

[135] E.g. General Electric provides leadership development opportunities for its employees, see *Leadership Programs,* GEN. ELEC. https://www.ge.com/in/careers/culture/leadership-programs (last visited Apr. 29, 2021).

[136] E.g. Saddleback Church provides monthly leadership lessons for its congregants, see *SALT Saddleback Advanced Leadership Training*, SADDLEBACK CHURCH https://saddleback.com/watch/salt-saddleback-advanced-leadership-training (last visited Apr. 29, 2021).

[137] Jay A. Conger & Robert M. Fulmer, *Build a Better Leadership Pipeline*, CTR. FOR EFFECTIVE ORGS. 1 (2004) (noting "certain companies develop deep and enduring bench strength by… combin[ing] two practices—succession planning and leadership development").

[138] Loreta Andersen, *The Effects of Formal Leadership-Lessons on the Emergence of Positive Social-Leadership Skills of Pre-Kindergarten Students* (April 18, 2011) (Ph.D. dissertation, St. John's University) (ProQuest).

[139] *See* Brent D. Ruben, Richard De Lisi, & Ralph Gigliotti, *Academic Leadership Development Programs: Conceptual Foundations, Structural and Pedagogical Components, and Operational Considerations*, 17 J. OF LEADERSHIP ED. 241, 241 (2018) (noting that "In response to both the lack of formal leadership training and the challenges facing leaders across higher education, a number of programs are being planned and initiated at colleges and universities.").

leadership development programs for administrators, such as college presidents.[140] Similarly, higher education institutions have successfully used leadership development programs for faculty and staff members.[141] Leadership development has proven to be an important tool for increasing institutional effectiveness at colleges and universities.[142]

In addition to implementing leadership development as a tool to increase institutional effectiveness at higher education institutions, leadership development has also become a part of educational programming at colleges and universities.[143] The emergence of leadership theory as a field of study has already been discussed,[144] but the utilization of leadership development programming at institutions of higher education merits separate consideration. Leadership development for undergraduate and graduate students is accurately defined as "any program that has been systematically designed to enhance leader KSAs [knowledge, skills, and abilities] and other components."[145] Because this understanding of leadership development programming is

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[140] *E.g., College and University Presidential Leadership Programs*, HARV. GRADUATE SCH. OF EDUC. https://www.gse.harvard.edu/ppe/presidential-leadership-programs (last visited Apr. 29, 2021).

[141] *See* David H. Kiel, *Developing a Faculty Leadership Development Program,* ACAD. IMPRESSIONS DIAGNOSTIC, 1, 6 (December, 2015) (noting "If faculty members are not effective leaders, then higher education at every level is ineffective."). *E.g. Wayne State University Academic Leadership Academy*, WAYNE STATE UNIV. OFF. OF THE PROVOST, https://provost.wayne.edu/resources/faculty/ala (last visited Apr. 29, 2021); *Leadership*, UNIV. OF NORTH CAROLINA CTR. FOR FACULTY EXCELLENCE, https://cfe.unc.edu/leadership/ (last visited Apr. 29, 2021).

[142] Annmarie Cano & Keith E. Whitfield, *Needed: Leadership Training for Faculty and Academic Staff*, INSIDE HIGHER ED (Nov. 22, 2019) (concluding "we must support leadership among all ranks for a thriving university workforce. The ultimate benefit is that institutions will be better prepared for the challenges of 21st-century higher education.") https://www.insidehighered.com/advice/2019/11/22/importance-cultivating-leadership-skills-among-faculty-and-academic-staff-members.

[143] *See* Allison L. Dunn, Sarah P. Ho, Summer F. Odom, & Emily R. Perdue, *Influence of Formal Academic Leadership Programs on Undergraduates' Leadership Mindset: An Assessment of a Corps of Cadets Program*, 15 J. OF LEADERSHIP ED. 57, 57 (2019) (noting the intentional education of students to be leaders can be called "leadership development," "leadership training," or "formal leadership education" among other things, but importantly all the programs all share the same goal of "[p]reparing college students for leadership roles after graduation").

[144] *Supra* Section III.A.2

[145] Denise L. Reyes, Julie Dinh, Christina N. Lacerenza, Shannon L. Marlow, & Dana L. Joseph, *The State of Higher Education Leadership Development Program Evaluation*, 30 LEADERSHIP Q. 1, 2 (2019).

broadly defined, institutions of higher education have used both curricular and co-curricular programming to develop students into leaders.[146]

Research shows that leadership development programs for undergraduate and graduate students conducted by institutions of higher education are effective.[147] Nonetheless, these programs do leave room for improvement.[148] Emerging research also shows that despite the abundance of approaches to leadership development, certain elements are key to the success of the leadership development program.[149] Effective leadership development programs should include quality learning experiences, student evaluations, experiential learning, and coaching.[150]

Innovations in leadership development programs in business schools offer illustrative examples of effective programming. Law schools and business schools are very closely related, as evidenced by research[151] and in practice.[152] Law schools and business schools are both professional schools with a similar mission of creating effective practitioners in a specific field. Therefore, it is particularly relevant that business schools have embraced leadership development

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[146] *See* JOHN P. DUGAN & SUSAN R. KOMIVES, DEVELOPING LEADERSHIP CAPACITY IN COLLEGE STUDENTS: FINDINGS FROM A NATIONAL STUDY 8 (2007) (noting "The education and development of students as leaders has long served as a central purpose for institutions of higher education as evidenced in mission statements and the increased presence of both curricular and co-curricular leadership development programs.").

[147] Denise L. Reyes, et al., *supra* note 145, at 13 (2019).

[148] *Id.*

[149] Galida Pitre Davis, *On-Campus Leadership Development Programs: A Sampling of Approaches*, AM. COUNCIL ON EDUC. https://www.acenet.edu/Programs-Services/Pages/Professional-Learning/On-Campus-Leadership-Development-Programs-A-Sampling-of-.aspx (last visited Apr. 29, 2021).

[150] S. TODD DEAL & PRESTON YARBOROUGH, HIGHER EDUCATION STUDENT LEADERSHIP DEVELOPMENT: 5 KEYS TO SUCCESS 4 (2020).

[151] Law schools and business schools are often paired together in research projects, *see e.g.,* Debra Schleef, *"That's a Good Question!" Exploring Motivations for Law and Business School Choice,* 73 SOCIOLOGY OF EDUC. 155 (2000); Adina Sterling, *How Having an MBA vs. a Law Degree Shapes Your Network*, Harv. Bus. Rev. (Feb. 19, 2016) https://hbr.org/2016/02/how-having-an-mba-vs-a-law-degree-shapes-your-network.

[152] Many schools offer a joint J.D. and M.B.A. program in which students attend law school and business school simultaneously. *E.g., J.D. Dual-Degree Programs*, UNIV. OF RICHMOND SCH. OF L. https://law.richmond.edu/academics/degrees/jd/dual-degrees.html#lawbusiness-administration (last visited Apr. 29, 2021); *JD/MBA*, HARV. BUS. SCH. https://www.hbs.edu/mba/academic-experience/joint-degree-programs/Pages/harvard-law-school.aspx (last visited Apr. 29, 2021).

programming.[153] Eighty-five different business schools offer leadership concentrations as part of

the MBA curriculum.[154] Business schools started teaching leadership, in part, to stay relevant due

to the changing demands of the marketplace.[155] The existence of business school curriculum and

programming on the topic of leadership development means that legal educators can borrow

from the experience of business schools–as well as aforementioned undergraduate and graduate

programs–and craft an effective leadership development program without having to "start from

scratch."[156]

4. Characteristics of a Successful Leadership Development Program

Any leadership development is better than no leadership development.[157] However,

leadership development programming is less effective when it lacks a structured plan.[158]

Research has shown that "leadership training is most effective when the training program . . .

incorporates feedback, uses multiple delivery methods (especially practice), uses spaced training

sessions, is conducted at a location that is on-site, and uses face-to-face delivery that is not self-

administered."[159] In arguing for the inclusion of leadership development in law schools, it is

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[153] *See also* Kellye Y. Testy, *Embracing Leadership Development in Legal Education*, LSAC BLOG (MAR. 27, 2019) (noting "business schools have focused on leadership for a long time.") https://www.lsac.org/blog/embracing-leadership-development-legal-education.

[154] *See Best Online MBA Programs Offering Leadership*, U.S. NEWS & WORLD REPORT, https://www.usnews.com/education/online-education/mba/leadership-rankings (last visited Apr. 29, 2021).

[155] Gregory Dobson, Robin Frye, & Ravi Mantena, *Leadership Training in an MBA Program Using Peer-Led Team Learning,* 6 AM. J OF BUS. ED. 177, 177 (pointing out that previous research indicated that "in order to remain relevant, business education needs to emphasize the development of leadership skills and more broadly utilize new pedagogies, including hands-on or experiential learning.").

[156] Testy, *supra* note 153.

[157] Lacerenza, *supra* note 124, at 1707 (concluding "leadership training likely improves outcomes, regardless of its design, delivery, and implementation elements [] i.e., leadership training is rarely a "failure").

[158] Rigney, supra note 4, at 87 (noting that intercollegiate athletic coaches failed to most effectively develop leaders among their student athletes because of programming issues. "The coaches in this study had many good ideas about leadership development, but no linear, structured, and formal leadership development programs were being used in any of the programs. Researchers have identified formal and structured leadership development programs as being vitally important to the development of effective leaders.").

[159] Lacerenza, *supra* note 124, at 1707.

important to discuss what a successful leadership development program includes. Law schools

can create a curriculum that maximizes the benefit received by the students and most effectively

develops leaders for society. In developing a leadership development curriculum, law schools

should create a program that is well-paced, practical, utilizes mentors, and includes clear

professional benefits.

Best practices for designing a leadership development program suggest that the pace of

the program can affect the results. A leadership development program should not be rushed.[160]

For example, simply offering a one-off lecture during 1L orientation or right before graduation

will not be sufficient to help students internalize effective leadership development practices. Best

practices show that multiple training sessions are beneficial for maximizing the effectiveness of

leadership development programming.[161] The importance of multiple informational sessions is,

in part, so the students can implement and practice the leadership skills between class sessions.[162]

In addition to multiple training sessions, multiple methods of delivery can also increase

the effectiveness of leadership development programs.[163] The most important of these delivery

methods is allowing students to practice their leadership skills.[164] A leadership development

program needs to be practical and able to be practiced.[165] Law schools, in implementing a

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[160] *Id.* at 1704 (noting that in order to produce the best possible result, leadership trainers should "Provide as much training as possible (longer programs are more effective)").

[161] *Id.* (suggesting leadership development programs "Provide multiple training sessions that are separated by time rather than a single, massed training session.").

[162] *See* GORDON ABNER, JENNY KNOWLES MORRISON, JAMES L. PERRY AND BILL VALDEZ, PREPARING THE NEXT GENERATION OF FEDERAL LEADERS: AGENCY BASED LEADERSHIP DEVELOPMENT PROGRAMS 36 (2019) (noting "Providing time to implement and receive feedback on newly acquired skills is valuable because it increases the likelihood that the knowledge and skills learned will be transferred into practice.").

[163] Lacerenza, *supra* note 124, at 1704 (noting that best practices for designing a leadership development program include using "multiple delivery methods when possible (e.g., information, demonstration, and practice).").

[164] *Id.* (arguing that "if limitations prevent [using multiple methods], choose practice instead of other delivery methods.").

[165] Marshall Ganz & Emily S. Lin, *Learning to Lead: A Pedagogy of Practice*, *in* THE HANDBOOK OF TEACHING LEADERSHIP 353, 355 (Scott Snook, Nitin Nohria, & Rakesh Khurana eds., 2012) (noting "If we are to teach

leadership development program need to include a space where students can experiment with these leadership practices, receive feedback, and internalize effective leadership practices.

Mentorship "is widely acknowledged to be important in career success" in the context of legal education.[166] But mentorship also plays a vital role in the success of a leadership development program.[167] Mentors help students develop their beliefs about leadership.[168] Mentors also help students understand what it actually means to be a leader.[169] Given the importance of the mentor-mentee relationship in leadership development, law schools will need to find individuals (such as full-time professors, adjunct professors, career services departments, and alumni) to provide mentorships to students. Fortunately, many of these same individuals are already filling mentorship roles in some capacity.[170]

Finally, the program needs to have a direct connection to the 'real world.' It is a mistake for a leadership development program to be entirely divorced from actual real-life situations.[171] Leadership development program evaluators recommend that participants "tie leadership

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leadership as practice, we must create conditions in which leadership can be practiced. One way we do this is requiring students to accept responsibility for working with others to achieve a valued goal by the end of a specified learning period.").

[166] Yvonne M. Dutton, Margaret Ryznar, & Lea Shaver, *Advancing Faculty Diversity Through Self-Directed Mentoring,* 25 DUKE J. OF GENDER L. & POL. 55, 55 (2017).

[167] Paul B. Lester, Sean T. Hannah, P.D. Harms, Gretchen R. Vogelgesang, & Bruce Avolio, *Mentoring Impact on Leader Efficacy Development: A Field Study* 10 ACAD. OF MGMT. LEARNING & EDUC. 409, 426 (2011) (finding "exposure to mentorship increased protégé leader efficacy and that leader efficacy influenced independent ratings of performance across time.").

[168] Cheryl Gray & Quentin Bishop, *Leadership Development*, 20 NAT'L STAFF DEV. COUNCIL 28, 29 (noting "Good mentors provide the day-to-day feedback and coaching to help… novice leaders shape beliefs.").

[169] Jessica A. Headley, *The Influence of Mentoring on Leadership Development Among Women Counselor Educators: A Phenomenological Investigation* 76 (Dec., 2017) (Ph.D Dissertation, University of Akron) (OhioLink) (finding "Mentors contributed to participants 'leadership identity and skill development in numerous ways, with one of the most meaningful being the frequent facilitation of open dialogues about being a leader and developing as a leader.").

[170] Katerina P. Lewinbuk *Kindling the Fire: The Call for Incorporating Mandatory Mentoring Programs for Junior Lawyers and Law Students Nationwide,* 63 ST. LOUIS U. L.J. 211, 212 (2019) (noting that 110 law schools currently have mentorship programs of some kind).

[171] *See Rhode, Leadership in Law*, *supra* note 60, at 1642 (bemoaning the fact that "Too many current leadership development programs offer only episodic instruction that is removed from actual workplace challenges.").

development to real on-the-job projects that have a business impact and improve learning."[172]

Unfortunately, during their tenure in law school, many law students will not encounter real-world opportunities to design and implement professional leadership projects. Accordingly, it will benefit these students to assign simulations that mirror real-world leadership issues that they will likely face in the legal field.

C. Concluding Remarks on Leadership

Leadership is an emerging field both for scholars and practitioners.[173] The increased emphasis on training leaders results from organizations of all kinds displaying a need for more qualified leaders.[174] To that end, leadership theory–most specifically servant leadership, authentic leadership, and transformational leadership–has clearly shown that leadership is a developable skill and not an innate trait reserved for a select few.[175] Because leadership is a developable skill, leadership development programs can train any individual to become an effective leader.[176] These training programs have been found to be effective in educational programming and professional business schools, which means law schools can create an effective program by "borrowing" from existing programming.[177]

IV. Leadership Development in Legal Education: Argument for Inclusion

The remainder of this article will argue in favor of including leadership development into the mandatory curriculum for law schools. As discussed above, the purpose of law school is to

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[172] Gurdjian, et al., *supra* note 79.

[173] *Supra* Section III.A.2

[174] *See* Moldoveanu & Narayandas, *supra* note 132.

[175] *Supra* Section III.B

[176] Kouzes & Posner, *supra* note 73, at 337 (noting that "Leadership is Everyone's Business.").

[177] Testy, *supra* note 153 (noting "Business schools have provided the template for leadership education, and by borrowing from that template and adding our own values, we can pave the way for more effective leadership education in law.").

create graduates who are prepared to *think like* a lawyer and actually *be* a lawyer.[178] The purpose of leadership development fits into the purpose of law schools as leadership development's purpose is to enable a person to effectively lead others.[179] Leadership development actually helps fulfill the purpose of a law school because being an effective lawyer often requires the lawyer to lead others.[180] In sum, in order to train effective lawyers, law schools should include a formal leadership development program in the required law school curriculum.

A. Why Leadership Development Should Be Provided for Law Students

Before discussing *how* law schools should develop leaders it is important to understand *why* law schools need to develop leaders. In a world of competing interests there needs to be a sufficient reason to divert time, money, and energy (all of which are decidedly finite resources) into developing leaders. A leadership development program creates value by helping law school students learn effective leadership behaviors. Effective leadership behaviors are needed due to the expectation of leadership for lawyers, the need for lawyers who can lead, and the value of lawyers who are effective leaders.

1. The Expectation of Leadership for Lawyers

The most obvious rationale for leadership development for law students is because law school graduates become leaders whether or not they are trained for the role.[181] Lawyers, for

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[178] Thomson, *supra* note 39, at 2.

[179] *What is Leadership Development?* Norwich Univ. (June 4, 2018) https://online.norwich.edu/academic-programs/resources/what-is-leadership-development.

[180] *See* Martha Minow, *Why Do Law School Graduates Become Leaders*, Harv. L. Today (2012) (highlighting the abundance of law school graduates that take on leadership positions by noting "Individuals with legal training lead government, business, civic activities, and nonprofit organizations in the United States and around the world. Of course, leaders of law firms, law schools, and offices of government lawyers have legal training, but often so do leaders of companies, universities and countries.") https://today.law.harvard.edu/letter-from-the-dean/why-do-law-school-graduates-become-leaders/.

[181] *See Supra* Part II.D.; *see also Rhode, What Lawyers Lack*, *supra* note 5, at 472 (noting "It is somewhat ironic that so little concern focuses on lawyers 'leadership, given how many of them end up in positions of influence. The legal profession has supplied a majority of American presidents and, in recent decades, almost half of Congress.

better or for worse, are viewed as leaders in American society.[182] Society frequently looks to

lawyers to lead, and it is the responsibility of law schools to equip their students for the task.[183]

The law school curriculum must not only equip students to *become* leaders (after all, that is

already happening) but rather equip them to become *effective* leaders.

2. The Need for Lawyers Who are Effective Leaders

Society expects lawyers to be leaders.[184] Yet lay observers and management experts alike

view lawyers in leadership positions as ineffective leaders.[185] Law schools are essentially the

only pathway to legal practice, and they are responsible for training lawyers to be effective.[186]

Therefore, if lawyers are unable to lead, law schools bear some of the responsibility for the lack

of competent leaders in society today.[187]

Additionally, beyond the societal expectation and need for lawyers to be leaders, law

schools must also realize that leadership fundamentally affects a lawyer's professional

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Lawyers occupy leadership roles as governors, state legislators, judges, prosecutors, general counsel, law firm managing partners, and heads of corporate, government, and non-profit organizations.").

[182] *See* Sturm, *supra* note 105, at 50 (noting "The legal profession was [] closely linked to leadership at the founding of the country. …Lawyers now bear major responsibility for leading the institutions that structure the governance, education, and day-to-day lives of the polity."); *see also Rhode, Leadership in Law*, *supra* note 60, at 1605 (noting "Over two-thirds of Americans think that the nation has a leadership crisis. Only 18% of the public rates the honesty and ethical standards of lawyers as high or very high.").

[183] See Grutter v. Bollinger, 539 U.S. 306 (2003) at 334 (claiming that law school in particular "represent the training ground for a large number of our Nation's leaders.").

[184] *Supra* Section IV.A.1.

[185] *Rhode, What Lawyers Lack*, *supra* note 5, at 472-73 (noting "On the rare occasions when the public is asked, it does not express high confidence in lawyers who occupy leadership positions…. Other evidence of a leadership deficit comes from management experts who have looked at organizations run by attorneys. It is not a pretty picture.").

[186] *See* Eric J. Gouvin, *Teaching Business Lawyering in Law Schools*, 78 UMKC L. Rev. 429, 429 (2009) (noting law schools are the "gateway to the legal profession" and as such "one of the major goals of legal education should be to introduce law students to the skills and values of the profession.").

[187] *See* Leah Witcher Jackson Teague, *Training Lawyers for Leadership: Vitally Important Mission for the Future Success (and Maybe Survival) of the Legal Profession and Our Democracy*, Santa Clara L. Rev. 633, 663 (2019) (noting "The role played by legal educators in teaching, training and mentoring the next generation of lawyers does matter, and it matters greatly, to society. . . Law professors and professionals have the great privilege and responsibility to help shape the next generation of lawyers who will be difference makers.")

competency.[188] Lawyers need to be effective leaders so that the legal system can be effective. Renowned leadership expert Barry Posner wrote:

> Leadership matters. Meeting the complex challenges facing organizations, communities, and societies these days is not just about content or technique but about leadership. The legal profession in its time-honored tradition of assuring access to justice has an essential role to play in addressing these challenges, and enhancing the leadership skills of would-be lawyers is essential to this quest.[189]

The legal system needs lawyers who are competent and effective leaders. By training lawyers to be effective leaders, law schools are actually equipping graduates to be effective lawyers as well.

3. The Value Added by Lawyers Who Can Lead

Law school graduates who are capable leaders will add value to the organizations with which they work and diminish the potential for losses. Part of the value of properly developed leaders is avoiding the cost of poor leadership practices. There are immaterial costs of poor leadership, including emotional costs that can radically reduce organizational efficiency.[190] Poor leadership also has a very real financial cost for an organization.[191] Leadership development can mitigate or even eliminate some of these costs by producing leaders who avoid these pitfalls and lead efficiently.

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[188] *See* David G. Delaney, *The Leadership Opportunity for Law Schools*, AM. BAR ASS'N LEGAL REBELS (Sep. 29, 2016, 8:00am) (noting that a "scholarly and experiential background in leadership can help prepare students to be effective attorneys and lead their organizations.")
https://www.abajournal.com/legalrebels/article/the_leadership_opportunity_for_law_schools.

[189] Barry Z. Posner, *Leadership Development in Law Schools: Myths, Principles, and Practices*, 58 SANTA CLARA L. REV. 101, 111 (2019).

[190] *See* Tony Simons, *The High Cost of Lost Trust*, HARV. BUS. REV. (September, 2002) (discussing an organizational leader who loses the trust of employees, Simons notes that the cost "will be extracted in hard-to-measure ways: Staffers may be less engaged in their work, less receptive to new ideas, less willing to follow the leader on the next offensive.") https://hbr.org/2002/09/the-high-cost-of-lost-trust.

[191] *See e.g.* E. Kevin Kelloway, Niro Sivanathan, Lori Francis, & Julian Barling, *Poor Leadership, in* HANDBOOK OF WORK STRESS (eds. Julian Barling, E. Kevin Kelloway, & Michael R. Frone, 2005) (concluding "leaders influence the amount of stress that employees experience… stress is a pervasive and expensive organizational problem, with some estimates suggesting that employee stress costs organizations $150 billion per year… If individuals can acquire more active and appropriate leadership behaviors, we suggest that employee stress will be lessened and employee well-being improved.").

Beyond just minimizing the costs associated with poor leadership, law school graduates with leadership training can actually *add* positive value to the organizations they join. Even though many law school graduates will begin their careers with little in the way of *positional* leadership, new lawyers can still exert influence in whatever organization they join.[192] By effectively wielding influence, even a new law school graduate can create positive change in their organization.[193]

B. How Law Schools Already Incorporate Leadership Development

The current practices of law schools show an increased emphasis in the area of leadership training. A significant number of law schools express a desire to develop effective leaders.[194] Most, if not all, law schools use informal practices that develop leaders (although such practices are not always designed to develop leadership skills).[195] A smaller number of law schools use formal leadership development programming. [196] Currently, each law school must determine its own leadership development programming because the ABA does not provide guidance in this area.

1. The Desire for Leadership Development

Many law schools celebrate the idea that their students will become leaders.[197] Notably, in 2016 over 100 law schools highlighted "leaders" or "leadership" in their mission

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[192] *See* CLAY SCROGGINS, HOW TO LEAD WHEN YOU'RE NOT IN CHARGE 27 (2017) (writing "We live in an authority-based culture where certain positions possess an inherent authority and responsibility. But we all know that positional authority does not equate to effective leadership…. Influence has always been, and will always be, the currency of leadership.").

[193] Polden, *supra* note 60, at 904 (noting "educating lawyers for leadership abilities is… beneficial to the work they perform as lawyers and citizens.").

[194] *Infra*, Part IV.B.1.

[195] *Infra*, Part IV.B.2.

[196] *Infra* Part IV.B.3.

[197] *See* Sturm, *supra* note 105, at 49 (noting "Law schools 'rhetoric celebrates lawyers 'leadership role. In law schools around the country, entering and departing students are told that they are the nation's leaders").

statements.[198] For example, Emory University School of Law's mission statement states, "Emory Law's mission is to… [c]ultivate leaders who serve the community through roles in the judiciary, government, legal education, public interest law, corporations, and law firms."[199] The emphasis on leadership development is part of the cultural fabric of many law schools, but importantly that emphasis on leadership development is not found at *all* law schools.[200]

While many law schools address the issue of developing leaders in their mission statement,[201] in reality only a "handful of law school programs" exist to create competent and well-equipped leaders.[202] The disconnect between a desire to develop leaders and actual programming for developing leaders is a significant reason why requiring leadership development curriculum is necessary. The ABA can eliminate this disconnect by requiring schools to integrate leadership development programming into law school curriculum. Similarly, if the ABA revised the requirements for the law school curriculum to include leadership development, it would balance the inequality of the legal education system by ensuring that all law students are trained to become effective leaders and not just a select few.[203] The desire for training leaders is evident from the many schools that incorporate leadership training into their mission statements, but while desire is good, it is simply not enough to actually produce leaders.

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[198] Irene Scharf & Vanessa Merton, *Table of Law School Mission Statements*, UNIV. OF MASS. SCHOLARSHIP REPOSITORY (2016) (as of 2016 80 different law schools mentioned "leader" or "leadership" as they appear in this collection of law school mission statements).

[199] Strategic Plan, Emory L., https://law.emory.edu/about/strategic-plan.html (last visited Apr. 29, 2021).

[200] *See*, Scharf & Merton, *supra* note 198 (this collection of law school mission statements shows that of the 195 law schools with a mission statement in 2016, 115 did not mention "leaders" or "leadership" in their mission statement).

[201] *Id.*

[202] *Baylor Law School Leadership Development Program*, BAYLOR L. https://www.baylor.edu/law/currentstudents/index.php?id=935914 (last visited Apr. 29, 2021).

[203] *See generally* Polden, *supra* note 60, at 919 (concluding that "today's young lawyers and law students need to have a broader set of core lawyering skills and personal and professional competencies to be successful throughout their careers. … [which] will require… leadership education.").

2. Informal Leadership Development Programming in Legal Education

Law schools, whether intentionally or not, provide practical laboratories for leadership development by allowing students to lead organizations and student groups.[204] This practical experience means that student can learn leadership "by doing" which can be quite effective.[205] Virtually every law school offers a plethora of organizations–including law journals, interest groups, and even intramural sports teams–for students to get involved and in which a student can practice leadership.[206]

Even if law schools incorporate formal leadership development programming as part of the educational curriculum, students must take advantage of the opportunities provided by student groups to try out the leadership lessons learned in the classroom. Students need to be able to pair formal lessons on leadership with some form of experiential learning to ensure maximum retainment of the material.[207] Additionally, these organizations frequently provide the student with mentorship opportunities with more advanced students and supervising faculty which provides its own unique benefits.[208]

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[204] David M. Rosch & Jasmine D. Collins, *The Significance of Student Organizations to Leadership Development*, 155 NEW DIRECTIONS FOR STUDENT LEADERSHIP 9, 17 (2017) (noting "Experiences within formal student organizations can optimally serve as an appropriate experimental laboratory for students as they develop a leader identity and practice their leadership skills and behaviors.").

[205] *See generally* RICHARD BOLDEN, WHAT IS LEADERSHIP DEVELOPMENT? 26 (2005) (discussing "Action Learning" the author suggests "one reason the method is so effective in leadership development is that it empowers action in the form of experimentation ' –having a go', and then learning.").

[206] For example, the University of Richmond School of Law offers thirty-five different student organizations and three different law journals, see *Student Organizations*, UNIV. OF RICHMOND SCH. OF L. https://law.richmond.edu/students/organizations.html (last visited Apr. 29, 2021); *Law Journals*, UNIV. OF RICHMOND SCH. OF L. https://law.richmond.edu/students/journals.html (last visited Apr. 29, 2021).

[207] *See* Gurdjian, et al., *supra* note 79 (noting "even after very basic training sessions, adults typically retain just 10 percent of what they hear in classroom lectures, versus nearly two-thirds when they learn by doing…. The ability to push training participants to reflect, while also giving them real work experiences to apply new approaches and hone their skills, is a valuable combination").

[208] Rafael X. Zahralddin-Aravena, *The Evolution of Mentorship in Legal Professional Development*, AM. BAR ASS'N BUS. OF L. (Mar. 19, 2020) (noting "Mentorship programs, especially in trade organizations, bar associations, and with young students, have been especially effective. Especially in communities of color and of women, a lawyer taking the time to visit or work with potential future lawyers is extremely impactful.") https://businesslawtoday.org/2020/03/evolution-mentorship-legal-professional-development/.

Unfortunately, the informal leadership development programming at many law schools is ultimately inadequate for a number of reasons. First of all, the current model of informal leadership development lacks a cohesive plan that ties the experiential learning to any larger plan. Previous research has shown that informal leadership development activities, even with the best of intentions, need to have a formalized structure to be effective.[209] Therefore, although the activities currently performed by law school students can provide some experiential leadership experience, they are ultimately insufficient to foster effective leadership development strategy.

The lack of oversight presents another reason that the current informal experiential leadership development programing is insufficient. Student leaders rarely, if ever, receive instruction on how to lead in these groups. Part of the reason for the lack of oversight is systemic, as student organization leaders want a level of autonomy that precludes real accountability from faculty advisors.[210] This lack of accountability allows students to learn leadership but, in these organizations, it is possible–one could argue quite probable–that inexperienced leaders will develop bad leadership habits. As the famous American football coach Vince Lombardi is quoted as saying, "Practice does not make perfect. Only perfect practice makes perfect."[211] The imperfect practices of students in the organizations are not only ineffective, but may also be counterproductive as students learn bad leadership habits.

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[209] *See* Rigney, *supra* note 4, at 87 (intercollegiate athletic coaches gave student-athletes significant opportunities to lead, but that experiential learning was insufficient as the lack of a "linear, structured, and formal leadership development programs" in athletic programs were limiting the effectiveness of coaches 'attempts at developing student-athletes into effective leaders.).

[210] *See* Mara G. Dahlgren, *Advising Student Organizations: A Literature Review and Recommendation for Future Research*, J. OF THE INDIANA UNIV. STUDENT PERS. ASS'N 1, 5 (2015) (noting "Accountability of student leaders may be one of the most challenging aspects of working with student organizations because students have been clear in the research that they want to feel like they have ownership over their organizations and do not want advisors stepping in.").

[211] JAMES S. BOWMAN, THE PROFESSIONAL EDGE: COMPETENCIES IN PUBLIC SERVICE 34 (2004) (quoting Coach Vince Lombardi).

A final shortcoming of relying upon informal leadership development programming through extracurricular activities is a lack of participation. There is no requirement for students to join student organizations. Moreover, some organizations, such as journals and moot court, actively limit the number of participants. Finally, student organizations are too small in number to provide leadership opportunities for every student in the law school. Even *if* the participation in extracurricular organizations effectively trained students as leaders, there is simply not enough opportunity to satisfy the need.

Overall, students enjoy great benefits from participating in extracurricular activities as a student.[212] However, using extracurricular activities as the main or only opportunity for students gain leadership experience is simply insufficient. The need for leaders is too great, and the expectation for law schools to produce competent leaders is too high to trust in a system that lacks oversight, cohesive planning, and participation.

3. Formal Leadership Development in Legal Education

Some law schools have begun to implement formalized leadership development programming in their legal education curriculum. The inclusion of leadership development into law school curricula mirrors the larger trends in higher education.[213] Leadership development classes, by nature, focus primarily on the educational aspect of learning, whereas informal leadership development focuses primarily on experiential learning. However, like informal

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[212] Mary Stuart, Catherine Lido, Jessica Morgan, Lucy Solomon, & Steve May, *The Impact of Engagement with Extracurricular Activities on the Student Experience and Graduate outcomes for Widening Participation Populations*, 12 ACTIVE LEARNING IN HIGHER EDUC. 203, 205 (2011) (noting that extracurricular activities "may benefit students by helping them to stand out, defy expectations, and appear unique among their peers.").

[213] *See* Reyes, et al., *supra* note 145, at 1 ("the field of higher education has increasingly recognized the value in allocating resources to train future generations of leaders. A search of the top 50 universities as ranked by U.S. News and World Report (2018) showed that every school on the list offers some form of leadership development (LD) for both undergraduate and graduate students.").

leadership development, the current law school approach to formal leadership development is ultimately insufficient.

Formal leadership development occurs in the classroom setting in many ways, including when leadership is taught as part of the law school curriculum. For example, Columbia Law School offers a formal class on leadership as one of many ways it provides formal educational programs aimed at developing leaders.[214].The class, *Lawyer Leadership: Leading Self, Leading Others, Leading Change*, aspires to "cultivate participants' leadership capacities at the intrapersonal, interpersonal, and systemic levels."[215] The course accomplishes that goal through "individualized feedback and peer-to-peer coaching" as well as "whole group sessions, weekly lab groups, and a retreat."[216] The course provides experiential learning in the context of an educational program, thus providing students with both key learning tools for developing leadership skills.

Similarly, Harvard Law School provides programs for practicing lawyers to develop their leadership capabilities.[217] The curriculum for this program uses "[c]ase studies on law firms and other professional service firms [to] give participants exposure to real-world issues and help them work through possible approaches and solutions to the problems that professional service firm leaders confront. Participants practice making decisions about challenging real-life management problems in professional service settings."[218] This program, *Leadership in Law*

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[214] *Leadership*, COLUM. L. SCH. https://www.law.columbia.edu/areas-of-study/leadership (last visited Apr. 29, 2021).

[215] *P. Lawyer Leadership: Leading Self, Leading Others, Leading Change*, COLUM. L. SCH. https://www.law.columbia.edu/academics/courses/25069 (last visited Apr. 29, 2021).

[216] *Id.*

[217] Leadership in Law Firms, HARV. L. SCH. EXEC. EDUC., https://execed.law.harvard.edu/llf/ (last visited Apr. 29, 2021).

[218] *Id.*

Firms, is designed for lawyers with substantial leadership experience.[219] However, the program shows another way in which leadership can be taught in law schools, namely, by offering students opportunities for educational and experiential learning through the use of case studies and real-world simulations.

Perhaps most notable in this area of study is the Stanford Law School's (SLS) Center on the Legal Profession founded by Deborah Rhode.[220] The SLS Center on Legal Profession started the Lawyers as Leaders Initiative to "advance research, discussion, and practical experience of leadership in the legal profession" by developing "publication, curricular development, and programming."[221] To emphasize the importance of training lawyers as leaders, Stanford Law created a *Lawyers and Leadership* course to "examine the responsibilities and challenges for those who occupy leadership roles, with particular emphasis on those seeking to use law as a vehicle for social and organizational change."[222] Students enrolled in the course learned leadership theory but also conducted cases studies and participated in leadership development exercises.[223]

The programs at Stanford, Harvard, and Columbia offer educational and experiential components when teaching leadership. Experiential learning in the classroom overcomes one of the major challenges of developing leaders through informal means in that the classroom

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[219] *See id.* (noting that the average *Leading in Law Firms* participant has "20+ years of professional experience).

[220] *The Center on the Legal Profession* at Stanford was led by Professor Deborah Rhode who was widely considered one of the leading voices on leadership development for lawyers. Professor Rhode passed away in 2021 but her influence remains deeply impactful on this field of study. Sharon Driscoll, *Remembering Deborah L. Rhode: Legal Ethics Pioneer, Stanford Scholar, Mentor to Many*, STAN. LAW. (Jan. 11, 2021) https://law.stanford.edu/stanford-lawyer/articles/remembering-deborah-l-rhode-legal-ethics-pioneer-stanford-scholar-mentor-to-many/.

[221] *Lawyers as Leaders*, STAN. L. SCH. https://law.stanford.edu/projects/lawyers-as-leaders/ (last visited Apr. 29, 2021).

[222] *Lawyers and Leadership*, STAN. L. SCH. COURSE CATALOG https://law.stanford.edu/courses/lawyers-and-leadership/ (last visited Apr. 29, 2021).

[223] *Id.*

provides ample opportunity for every student to gain leadership experience. Informal

programming suffers from a lack of availability of leadership opportunities,[224] but the classroom

exercises can be configured so every student can practice leadership.

Baylor Law's Leadership Development Program, a hybrid of the formal and informal

approaches, offers another approach to leadership development in law schools.[225] Some formal

elements of the program include students earning the title of a "Leadership Fellow" and a

certificate of completion. Other formal elements of the program include the required leadership

classes and professional development programming. Other parts of the program are experiential

rather than formal, for example a student must "[s]erve as an officer of a Baylor Law student

organization.… While serving as an officer, the student must perform a minimum of 25 hours of

service related to activities of the organization."[226] This approach interweaves the informal

approaches to leadership development with the formal approaches to create a comprehensive

leadership development program.

However, despite the fact that formal leadership development programming is well-

represented at the aforementioned law schools, shortcomings remain in the current majority

approach to formal leadership development in the context of legal education. The biggest

problem with formal leadership development programming for many, if not most, law schools is

that the programming simply does not exist.[227] That some law schools competently develop

effective leaders does not alleviate *all other law schools* from their duty to also develop leaders.

The unfortunate reality is that most law school graduates will go through their entire law school

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[224] *Supra*, Section IV.B.2.

[225] *Baylor Law School Leadership Development Program, supra* note 202.

[226] *Id.*

[227] *See Rhode*, *Leadership in Law, supra* note 60, at 1605 (stating "although many law schools claim to be producing leaders, only a small minority even offer courses in the subject. Leadership development is a $50 billion industry, but legal education has lagged behind.").

career without having the opportunity to take a formal leadership development class because law

schools have not made leadership development a priority.[228]

Even if every law school availed students of optional leadership development courses, the

elective nature of the programming means that many students will not take the classes just due to

competing time and class commitments. A law student simply cannot enroll in every elective

class at their law school in a three-year window. Leadership development "provides the skills

and abilities necessary for successful engagement in civic responsibilities, for meeting the

requirements of client representation, and for managing the responsibilities within a law firm or

law organization."[229] Law schools must create a quality leadership development program, but

even the very best programming becomes irrelevant if students are not taking advantage of it.

D. Mandatory Inclusion of Leadership Development in Legal Curriculum

ABA Standards already require that learning outcomes for the law school curriculum

include "[o]ther professional skills needed for competent and ethical participation as a member

of the legal profession."[230] Although the ABA's interpretation of this section does not include

leadership training,[231] research shows that effective leadership practices are needed for effective

legal practice.[232] More specifically, a precedent exists for the inclusion of leadership training in

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[228] *See* Posner, *supra* note 189, at 102 (noting "a recent survey of over 200 ABA-accredited law schools revealed that less than ten percent included leadership as one of their learning objectives.").

[229] Polden, *supra* note 60, at 911 (2012).

[230] ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2020-2021, 17 (2020) (Standard 302(d) specifically requires the inclusion of other professional skills).

[231] *Id.* at 18 (noting that the required skills include "skills such as interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.").

[232] Polden *supra* note 60, at 911, (arguing "Leadership education is important to all lawyers and law students because it provides the skills and abilities necessary for successful engagement in civic responsibilities, for meeting the requirements of client representation, and for managing the responsibilities within a law firm or law organization.").

law school curriculum because the ABA already requires that students take specific non-doctrinal courses.[233]

The ABA states that it exists to "[i]mprove [the legal] [p]rofession."[234] In order to do so, the ABA "[p]romote[s] competence, ethical conduct, and professionalism."[235] Law students will improve their professional competence by improving their leadership capabilities.[236] As leaders in legal education, the ABA can improve the legal profession, in part, by requiring leadership education as part of law school curricula so that every student has access to the benefits of leadership training.[237]

Mandatory inclusion of leadership development also builds upon the research that shows requiring attendance at leadership development programming is essential to the program's success.[238] By requiring students to take part in leadership development training in order to graduate, the ABA will not only promote leadership development but also enable the programs to be as effective as possible. Admittedly, no programmatic mandate can guarantee that every student will develop into an effective leader, but law schools should nonetheless do everything possible to put students in a position to succeed.[239]

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[233] ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2020-2021, *supra* note 230, at 18 (Standard 303(a) requires law students to successfully complete a court in professional responsibility, two writing courses, and at least six credits of experiential learning).

[234] ABA Mission and Goals, Am. Bar Ass'n (One of the four stated goals of the ABA is to "Improve Our Profession") https://www.americanbar.org/about_the_aba/aba-mission-goals/ (last visited Apr. 29, 2021).

[235] *Id.*

[236] *See supra* Part IV.B.2; Part IV.B.3.

[237] *See Rhode, Leadership in Law*, *supra* note 60, at 1665 (concluding, "The ultimate test of leadership is not simply what individuals themselves accomplish while holding such positions but rather what they enable others to achieve after they are no longer around… Leaders in legal education have corresponding obligations. Leadership needs to be a much higher priority… in law school curricula.").

[238] *See* Lacerenza, *supra* note 124, at 1704 (concluding that in order to be most effective, leadership trainers need to "Require mandatory attendance.").

[239] *See* Deborah L. Rhode, *Lawyers and Leadership*, 20 PRO. LAW. 1, 14 (2010) (stating "Although legal education can only do so much to develop or reinforce [leadership] qualities, it should do what it can, which is far more than it currently attempts.").

One could argue that law schools ought to retain the freedom to incorporate leadership training into the curriculum as each individual school sees fit. However, that approach has led to the current leadership crisis in which, by and large, law school graduates are not prepared to lead effectively.[240] An emphasis on leadership remains remains "missing or marginal in legal education."[241] The freedom to decide has resulted in law schools being "muted or ambivalent about leadership."[242] Law schools must emphasize leadership. If the ABA will not require the courses, then individual law schools need to promote it themselves. However, the ABA is in a unique position to radically transform legal education–and quite possibly the world–by requiring leadership development at all ABA-approved law schools.

V. Conclusion

The need for leadership will never subside. As long as society persists so will the need for effective leaders. Right now law schools are in the position to create effective leaders that will one day end up working as U.S. Presidents, Fortune-500 CEOs, managing partners, congresspeople, judges, parents, and non-profit leaders. The question is not if law schools will produce leaders, because history has indicated that they will, the question is whether or not law schools will produce *effective* leaders.

By incorporating both informal and formal leadership development, law schools can train the next generations of leaders to operate in a way that enhances personal and organizational effectiveness. The ABA must prioritize the leadership development of law school students so that law school graduates can effectively lead in the workplace and society at large. As the

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[240] *Id.* at 1 (noting "most lawyers never receive formal education in such leadership skills. Nor do they generally perceive that to be a problem, which is itself problematic, particularly considering the leadership deficit facing our profession and our world.").

[241] *Rhode, What Lawyers Lack*, *supra* note 5, at 474.

[242] Ben W. Heineman, Jr., *Lawyers as Leaders*, 116 YALE L.J. POCKET PART 266 (2007).

overseer of legal education accreditation, the ABA must evolve their standards in order to ensure

law schools develop effective leaders.